Saint Paul Planning Commission City Hall Conference Center 15 Kellogg Boulevard West

Minutes April 23, 2010

A meeting of the Planning Commission of the City of Saint Paul was held Friday, April 9, 2010 at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Mmes. Donnelly-Cohen, Halverson, Merrigan, Porter, Wencl, Young, and

Present: Messrs. Alton, Commers, Connolly, Fernandez, Gelgelu, Kramer, Nelson,

Schertler, Spaulding, and Ward.

Commissioners

Absent:

Mmes. *Smitten, *Thao and Messrs. *Goodlow, and *Wickiser.

*Excused

Also Present: Donna Drummond, Planning Director; Tom Beach, Department of Safety and

Inspections, Lucy Thompson, Allan Torstenson, Penelope Simison, Luis Pereira, Josh Williams, Anton Jerve, Sarah Zorn, Emily Goodman and Sonja Butler,

Department of Planning and Economic Development staff.

I. Approval of minutes April 9, 2010.

MOTION: Commissioner Ward moved approval of the minutes of April 9, 2010. Commissioner Connolly seconded the motion. The motion carried unanimously on a voice vote.

II. Chair's Announcements

Chair Donnelly-Cohen had no announcements.

III. Planning Director's Announcements

Donna Drummond said at the commissioners' places is a sign up form for the Great River Gathering Dinner, and checks for that will be accepted today and at the next Planning Commission meeting. Ms. Drummond encouraged the commissioners to attend if they are interested. It is a really great event with usually over 1,000 people in attendance.

IV. PUBLIC HEARING: <u>District del Sol Zoning Study</u> – Item from the Neighborhood Planning Committee. (*Lucy Thompson*, 651/266-6578)

Chair Donnelly-Cohen announced that the Saint Paul Planning Commission is holding a public hearing on the District del Sol Zoning Study. Notice of the public hearing was published in the Legal Ledger on March 22, 2010, and was sent to the citywide Early Notification System list and other interested parties.

Lucy Thompson, PED staff, has been working with three community organizations on the West Side - WSCO, REDA and NeDA - for more than two years on this process. They have been great community partners in talking with affected business and property owners so that they understand what is being recommended. The primary purpose of the zoning recommendations is to bring zoning into compliance with the Comprehensive Plan and other neighborhood plans. Approximately 75% of the properties are being proposed to be rezoned TN2. TN2 is an excellent fit for the three commercial corridors. The Commission has already received three resolutions - from REDA, NeDA and WSCO - in support of the rezoning recommendations. In addition to supporting the rezonings, these groups have asked staff to explore allowing auto repair as a conditional use in the TN zones. This is underway.

Chair Donnelly-Cohen read the rules of procedure for the public hearing.

The following people spoke.

Ms. Karen Reid, from the Neighborhood Development Alliance (NeDA) said that they are in support of the rezoning. She thinks it will be an advantage to the commercial as well as the housing uses in District del Sol. Ms. Reid said that the existing uses are already consistent with the permitted uses in TN2 and comply with most, if not all, of the design standards.

<u>MOTION</u>: Commissioner Wencl moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, April 26, 2010, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

PUBLIC HEARING: <u>City Council Resolution (3077776) Study of Sign Regulation Issues</u> – Item from the Neighborhood Planning Committee. (*Emily Goodman, 651/266-6551*)

Chair Donnelly-Cohen announced that the Saint Paul Planning Commission is holding a public hearing on the Study of Sign Regulation Issues. Notice of the public hearing was published in the Legal Ledger on March 22, 2010, and was sent to the citywide Early Notification System list and other interested parties.

Emily Goodman, PED staff, explained that in 2009, during the adoption process for the amendments to Chapter 64 regarding signs with dynamic display several related issues came to the attention of the City Council. When it was determined that these issues were outside the scope of the signs with dynamic display public hearing process, the City Council chose to pass a resolution requesting that the Planning Commission undertake further study of those issues (GS#3077776). These issues include: measurement of double-faced and V-shaped sign area, permitted illumination level, regulation of window signs, number and size of exterior banners, and permitted exemptions for signs of city, county, state, and federal governments that provide public information. Staff has made recommendations on each of these five (5) issues. Ms. Goodman gave an overview of those five (5) issues.

Currently the City counts only one side of a double-faced sign or V-shaped sign toward the surface area of a sign. The City also mandates that the sign faces on double-faced or V-shaped signs be separated by no more than eight-feet or a thirty-five degree (35) angle. This regulation is in accord with what most communities that have regulations about these types of signs have on

the books. Generally, for these types of signs, if they are within a certain range, are counted only one time against the total allowable sign area. Staff recommends no change on this issue.

The second issue is permitted illumination level for signs. The current standard for maximum permitted light trespass is three (3) foot candles measured at the residence district boundary. This standard is generally considered to be too high for signage, as full indoor light is generally five to ten foot candles. In 2009, the maximum illumination level permitted for signs with dynamic display was reduced to three-tenths (0.3) foot candles. Based on research and analysis staff recommends amending the sign chapter of the Zoning Code to include a standard specific for signage lighting levels that would be permitted. The recommended standard is the same standard approved for signs with dynamic display in December 2009, which is a maximum illumination of 0.3 foot candles above ambient light level as measured from fifty (50) feet from the sign's face.

The third issue is internal window signs; there are currently no general regulations for interior signs of any kind in chapter 64 of the Zoning Code, which is the sign chapter. However there are other regulations in special sign district plans that do suggest some limitation for interior window signs. Some special sign districts regulate the percentage of windows that can be devoted to signage (often distinguishing between permanent and temporary window signage). To initiate such a regulatory process citywide in Saint Paul would first require initiating a challenging permitting process. The difficulties surrounding the permitting process include informing businesses about their burden to comply, and the cost to administer this would likely be passed on to small businesses. In weighing the difficulty against the cost of administering it staff recommends no change to the current regulations.

The fourth issue is the number and size of exterior banners, currently banners are generally permitted throughout the City, except in certain overlay districts. These banners are a type of temporary signage and are not to exceed one hundred twenty (120) square feet in area or be more in number than one (1) per twenty (20) feet of frontage. But banners that are freestanding or wall signs cannot exceed a total of thirty-two (32) square feet. The Zoning Code would benefit from a study that would consider amendments regarding banner signs within the context of all temporary signs. Staff recommends that the Planning Commission request a study of all temporary signage.

And the fifth and final issue is dealing with exemptions for signs of city, county, state and federal governments that provide orientation, direction, or traffic control information. Currently in the sign chapter of the Zoning Code these types of signs are permitted in all zoning districts, but they are not exempt from permits or other provisions in the chapter. In practice, the City of Saint Paul does not require permits for public traffic control or other directional signs. The provision in Sec. 64.401 seems to be misplaced and belongs in Sec. 64.204, Exemptions, and staff's recommendation is to move this exemption to where it belongs and make this correction to bring the policy in accord with what is practiced.

Commissioner Porter asked for clarification on one of the slides that showed three foot candles as being measured 50 feet from the sign face, and in the staff report it talks about foot candles as measured at the residential district boundary.

Ms. Goodman said that the recommendation is to make a change. Currently there is no specific regulation in the Zoning Code for signage illumination. There is a regulation for all exterior lighting that includes parking lot lights and everything. It might be appropriate to have different types of standards for different types of lighting, because it has different purposes. So what's

being changed is where the point of measurement is going to be or proposed to be from the residential property boundary to fifty (50) feet from the sign face and three (3) foot candles to point three (0.3) foot candles.

Chair Donnelly-Cohen read the rules of procedure for the public hearing.

The following people spoke.

1. Ms. Ginny Harris, Chair of Capitol River Council Sign Study Task Force. This task force has only been meeting for about three months and they are just beginning to compile information about the signs in downtown Saint Paul. They are in the process of photographing all the signs so that they have a photographic record of what is there enabling them to tell what would be nonconforming in the future. The hope is that they can come up with some type of regulation if a special sign district for downtown Saint Paul is developed. One thing they want to address is the section on illumination. The task force was concerned if enough study had been done to come up with the sweeping standard for all groups, requiring that all signs not exceed 0.3 foot candles. There could be some areas in a district where a brighter light standard would be more appropriate for safety reasons, especially in business and parts of the downtown district. And members suggested that lighting and public safety experts should really look at this standard pending analysis by consulting experts. Alternative language could be: No sign may exceed maximum illumination of 0.3 foot candles above ambient light level as measured from the residence window directly closest to signs or the reflective light source. Ms. Harris said if her information is correct the present language is: 50 feet from the face of the sign which could be in the center of a business district with no residences around.

Commissioner Ward said in regards to the distance from the residence window what would happen if the sign being stationary stays where it is and the building/residence where that is to be measured moves or is torn down and the next residence is 50 feet away, there is nothing on the adjacent parcel and the measurements are taken from the existing building. Then a new structure is erected and it is now within that distance or more then the 0.3. In your suggestion how do you deal with that?

Ms. Harris explained that then it would become a nonconforming use and the sign was already there before the building.

Commissioner Ward said that it would be nonconforming and it also would be a problem of brightness for whoever moved into that building, and yes the sign was there but the intent and the spirit of what staff is suggesting here is that it be stationary and be from the sign rather then from something that could be fluid or moving. So if you could just think about that portion.

Ms. Harris said that they will think about that as they study the entire downtown area.

2. Ms. Rossie Anderson-Howze, has been a resident in the community for over 40 years and is the founder of MAT (Mothers Against Tobacco Use). As the founder she noticed that there are advertisements at various corner stores that are really unhealthy. These advertisements are inviting youths to take part in alcohol use and tobacco use. You can find on display in various stores signs that are the size of the entire window, which is

enticing for kids who want to experiment with smoking. She is focused on reducing tobacco use in the community. Ms. Anderson-Howze showed pictures on the overhead projector with examples of store fronts that advertise cigarettes amongst other things. One of the pictures showed EBT and WIC signs, which show these stores are focusing on the low income people. Something like keep them down while they are down. Ms. Anderson-Howze is working to prevent her community from eroding in the bad habits of the past and prevent them from continuing into the future. She would like to have the City's support in eliminating this type of signage and have the stores display milk, cheese, eggs, fruits and vegetables more readily in there windows, because these are not liquor or tobacco stores, these are our corner stores.

- 3. Mr. Ossian Or, resides in the Union Park area and he presented a video on physical signage inside stores. Mr. Or said these interior signs are held to a completely different standard than if they were exterior signs. There is a MnDOT ruling that anything that changes at faster interval than 6 seconds is distracting. And the people who are putting up these signs feel like they are not getting their money's worth unless they make it look like fireworks. Also, they typically do not turn them off when the shop is closed. These signs are on continuously 24/7. Another thing is you can put any message you want on them. In other parts of the country they put racist messages against President Obama, health care and all kinds of different things. These signs become a way to get your personal message out in your store front. Referring to the video, he says this is a lot of information for people driving by to digest as this is scrolling by, but if it were on the exterior of the building it would be held to a different standard. Mr. Or also talked about signs that have gone bad; it is incredibly distracting when you can't even read what the sign says. These things have to be regulated, and the fact that it will be hard to regulate or hard to enforce should not be an issue. There are all kinds of things out there that are hard to enforce but it doesn't mean you shouldn't make some effort to control the process.
- 4. Ms. Jeanne Wagen, representing Scenic Saint Paul, said that signs can be attractive and inviting, they can be informative to customers, and they can also be a positive asset to the community. A concern of hers is attractiveness of the community and safety. Ms. Wagen showed photos on the overhead projector of store fronts that are very attractive, safe, and sell both the community and its products. She then showed photos of less attractive and less safe signage. No eyes on the street, no safety and totally ugly. City staff has suggested that the only way to regulate this kind of stuff is through a permitting process. Frankly that is looking too narrowly at the options. A much better option that is cheaper and easier is to do what one of the special sign districts has done and that is simply set a percentage limit on how much window surface can be covered with these kinds of signs. Then rely on a complaint process to enforce it. If it is a 15% allowed limit and someone has 80% coverage a complaint deals with that situation. The notion that the way to deal with this is through a permitting process is just fairly narrow in its concept. Ms. Wagen thinks if we can do better than that her community can look better and be safer.
- 5. Mr. Ken Peskin, representing the International Sign Association, which represents about 2,600 manufacturers of on-premise signs, sign products and users of signs. Mr. Peskin submitted written copies of his remarks and summarized them. His organization has significant concerns with the proposed regulations for the illumination of electric signs.

They actually participated in the process when the issue dealt with dynamic display signs, or what they call electronic signs (LED) display panels. He came here and participated in a workshop with planning staff in November 2008. Mr. Peskin talked about four points from his written comments. The first thing that the planning staff has proposed treating sign illumination stricter than other forms of illumination. There are environmentally sensitive, environmentally conscience building standards by two organizations, ASHRAE and the United States Green Building Council. Both establish limits for exterior lighting, and both of them specifically and explicitly exempt illuminated signage from most of the requirements as it pertains to illumination. He and the International Sign Association are not members of the committees that developed these standards, they did not testify nor did they submit comments, yet both of those organizations determined that electric illuminated signage should be treated less strictly then overall forms of illumination, and City staff is proposing to treat them more strictly. Mentioned in the staff report were issues dealing with the concept of glare and light trespass. These issues are not limited to signs that are too bright. If there is a nuisance in the neighborhood it is not just because of a sign or light fixture; it is the combination of everything and the idea that the sign should be treated more strictly then the overall lighting is misguided.

The second point deals with the 0.3 foot candles above ambient lighting standard. The (IES) Illuminating Engineering Society for North America established the concept of lighting zones and looked at ambient light levels that were considered a nuisance. The 0.3 foot candle standard is considered appropriate for levels of low to medium ambient lighting which generally would characterized as residential or agricultural area. The recommendation of IES as it deals with a downtown commercial district is .8 foot candles above ambient as a nuisance. The City language applied a standard that was designed for a residential zone and applied it in commercial zones. Also the IES measured and established a protocol for measuring the brightness of what the City calls dynamic display at a distance of 100 feet. The City has a very different standard than what is recommended by the technical experts.

The third point is more of a legal point. One of the important cases that established the precedent on how governments can regulate signs is called the Central Hudson case from 1980. It established the idea of how a regulation is justified and one of the questions it asked is whether the government's proposed regulation is as narrowly tailored to suit whatever the compelling interest is that must be protected without going beyond that. To Mr. Peskin it seems from the staff report the compelling interest was the Bremer Bank sign which is an unusual situation where you have a skyscraper mounted sign that is designed to be seen from a very large distance, but it happens to have residential neighbors 100 feet away. The way that sign is constructed is different from a sign in a general commercial district. So he asked City staff to think seriously about regulations that deal with signs in proximity to residential areas and not where they are surrounded by commercial zones.

The last point is the lack of understanding of how electric signs work. Electronic signs with dynamic display can easily be dimmed. Most electric signs that have been permitted and are installed currently have only two phases of operation: on and off. Unlike dynamic displays regulated by the 2009 brightness standard, these electric signs, as they are currently constructed are incapable of being dimmed. Mr. Peskin goes into more indepth regarding these four points in his written letter.

Commissioner Alton said that he understands that Mr. Peskin is not an expert on Minnesota Nuisance law, but could a city or an individual use existing nuisance law to challenge a specific sign if it was so bright it was causing problems.

Mr. Peskin confirmed he is not an expert on Minnesota nuisance law, but he believes you could challenge the existing nuisance law. It would probably be an inefficient and a very time consuming and laborious exercise.

Commissioner Merrigan said regarding the diming capacities, LED and the extra energy at the point of lighting design, can they be designed to have a certain brightness and capacity that would be appropriate as opposed to a dimming mechanism that would be more efficient from start.

Mr. Peskin said that he grew up in the sign business and there are signs that his grandfather built over 50 years ago that are still up. These have been properly maintained, updated and repaired. So the existing inventory of signs can continue for decades into the future and those signs were not designed with that in mind. Going forward he believes LEDs will become the largest sector and there will be increased ability to dim signs. The problem is you really can't dim based on everything that goes on. In electronic displays it is easy to do with a photo cell where it automatically responds. An on premise sign is more difficult, but most signs in the future will be designed with LEDs in mind, will have the capacity to be illuminated at a partial level of illumination as opposed to just on or off.

Commissioner Nelson said that Mr. Peskin had mentioned the ASHRAE, USGBC and the ICC Green building standards and he wanted to know why illuminating signs was not addressed within those standards.

Mr. Peskin said that ASHRAE is a final document and the International Green Construction code is up for public comment now so it is not a final document. The ASHRAE standard does have regulations that deal with external illuminated signs. He is not sure why it was exempted, there are about 12 different things that are exempted and a lot of them are considered specialized sources of illumination. One thing that they recognize is when you deal with a normal luminance like a parking lot light or street light they are designed to light up everything around them. A sign does not want to do that, a sign is designed to light itself up. And that is the main reason why it was considered separately. As it pertains to the International Green Construction code, either version 4 or version 5 before the public version was released, at one time did have language that dealt with commercial signage to be regulated, but that was stripped out. He is not sure why it was excluded, but he assumes it was a conscience deliberate decision to exclude it.

Commissioner Nelson said the ICC Green Building code that was talked about, is that a consensus document which has input from a large sector of the national industries that are interested in that and he assumes the Green Building code is geared towards energy efficiency and trying to make buildings more energy efficient and somehow it does not seem that they would have stripped that out because they didn't think it was an energy issue there must have been something else that happened. Perhaps we can get more research on that as to why that was stripped out.

Mr. Peskin said that both of them had significant levels of industry participation from people involved in construction industries and facilities management, both are actually trying to integrate the two documents. They proposed them as alternate standards for compliance to the same end goal. Both organizations are working together and they announced that kick off in Washington about three weeks ago.

6. Mr. Bill Huepenbecker, Saint Paul Arena Company, which manages and operates the Xcel Energy Center and the Saint Paul River Centre in downtown Saint Paul. They are one of the largest generators of visitor traffic to Saint Paul. One of their challenges in the complex is making sure that their buildings are always relevant, that they look in good condition and they are attractive. And part of that is their exterior signage. Given the proposed illumination level, a lot of the current signage would become non-conforming. Right now they do not have any plans to change the signage on Xcel, but they will on the River Centre. Over the next few years they are going to need to replace the River Centre's neon sign. In the future with those being non conforming uses, if this change is made it would limit their ability to do that change.

Mr. Huepenbecker talked about the temporary banners in signage and on the side of the Xcel Energy Center they have big banners up. So they want to be included in that study. And with illumination is there a way to carve out the downtown piece. He doesn't know what a sign would look like under that standard. He would appreciate any consideration of both those factors.

Commissioner Ward said one of your statements was that if this resolution goes through it would limit your ability to stay current with bringing the Xcel or River Centre up to standards in order to advertise to your customers. If you change the sign, how would the proposed new sign differ from what you are doing now?

Mr. Huepenbecker said that on the skyway they are looking to replace those to larger size then what they have now. And depending on the illumination level, if it's a dimly lit sign or it's not bright enough for people to see when they come to the facility, then the question is does it have the impact you want it to have on the facility. He does not know what level the sign would be or what the brightness factor would be.

Commissioner Ward said another statement you made was about using banners in order to advertise other events. Is that something you are saying you don't want to use or is it too complicated or doesn't allow you time to organize these events?

Mr. Huepenbecker said they just want to be involved in the discussions, because maybe there is a better way for them to participate in that process.

Commissioner Schertler said the dynamism of attracting people and keeping ahead, how significant is the signage component in negotiations for events?

Mr. Huepenbecker said they work together with everyone, these events have spin offs too, because a WCHA, Frozen Four and high school hockey tournaments impacts business for the Science Museum and their foot traffic. Signage is an important part of

that and it's the people the traffic and it's the whole feel of that. It's just trying to stay relevant and current and look as new and inviting and attractive to clients as they can.

Commissioner Spaulding asked if Mr. Huepenbecker has ever applied for a special sign permit and the City rejected it. It seems that if we're approving a conventional package that you use time and again in conventional space that maybe we're putting extra burden on you that can't be justified.

Mr. Huepenbecker said that they have not. And with the temporary signs, right now they do not put that in their current bid packages, they apply for that after the fact, so it's not that they have been turned down, it's another thing that they could have put in their bid package to try and attract an event.

7. Mr. Gregg Rendall, President of the Minnesota Sign Association. The Minnesota Sign Association basically agrees with what staff has laid out with the exception of the lighting standard. It would be a very tough standard to meet as far as manufacturing, because it would be outside the norm of the typical signs that you would make. So it would cause manufacturing issues. And anytime anything is outside the norm there is an additional cost involved and that cost would be to the businesses of Saint Paul and ultimately the residents of Saint Paul because everything gets passed down.

Commissioner Nelson said that we heard here earlier about automatic measuring devices for signs and maybe you can clarify, is that only LED signs that can have automatic adjustments based on ambient light or are there other types of signs that could do that.

Mr. Rendall said with current technology in most message centers there is an automatic sensor that would dim to ambient light. In traditional signs, such as a set of channel letters, a cabinet sign which is illuminated by fluorescent lighting, neon or LEDs, there is not. Of all the signs in Saint Paul, he thinks there is not one that is regulated by automatic dimming. With technology going forward that may become a standard, but it is not a standard now.

Commissioner Schertler said is sounded like the gentleman from the National Sign Association had stated that the .3 foot candle was agreeable at 100 foot distance, but it was the application of that in a commercial area and the distance measurement. Do you have an opinion on the illumination amount and what's the bottom of the industry's position or user's position, is it 0.3 foot candles at 100 feet from residential, or was that even discussed?

Mr. Rendall does not have an answer, but in a broader sense he thinks the point that Mr. Peskin was trying to drive is that you can go to different neighborhoods or different streets and if your looking at the total light at a given distance of 100 feet or 50 feet depending on what else is going on that measurement is going to be different even if the sign has the same amount of illumination, dependent on the other lighting in the area. To him it would be one of those regulation nightmares and he does not see how you could ever regulate this.

Commissioner Schertler asked is there a bottom limit that is acceptable to the consumer and producer of the sign. Is the industry comfortable with another number and how it's measured?

Mr. Ken Peskin, representing the International Sign Association, clarified that his association has not studied general electric signs. There has been some study from the Illuminating Engineering Society, but the International Sign Associations standard was dealing with electric signs and they have never studied it specifically dealing with internally illuminated or exposed neon or other forms of illuminated signs.

Commissioner Schertler said in residential, the 100 foot 0.3 electronic sign in E2 or whatever the formula, he is assuming that is a protected zone or a sensitive zone in the community that wants a reduced foot candle.

Mr. Peskin said that their recommendation was 0.3 foot candles in lighting zone E2 and .8 foot candles in lighting zones E 3 & 4 and they stand by that standard for electronic signs.

- 8. Paul Richards, business agent with Painters and Allied Trade District Council 82. He stands shoulder to shoulder with the Minnesota Sign Association and the International Sign Association in opposing any changes to the sign regulations. Something to think about is that currently they have around 40% of their members laid off and a lot of times when we make changes to regulations they have an adverse affect on the industry.
- 9. Mr. Matt Anfang, President of the Building Owners & Managers Association (BOMA), distributed a letter with their concerns. Mr. Anfang said that BOMA is most concerned with item number two regarding signage illumination and they do oppose what is being presented by City staff. Looking at downtown buildings that have signs on the outside, Wells Fargo, Ecolab, Bremer Bank, incidentally the Bremer Bank sign was removed and replaced last year and no complaints as of yet about the new sign and this proposed ordinance is driven by a sign that has now been replaced. We have approximately a 20% vacancy rate in downtown Saint Paul and some of these buildings that have signage on top of their roofs are able to offer those to anchor tenants at a premium. Those premiums reflect increased lease rates, and increased property value which translates into higher property tax revenue. Mr. Anfang said that there are other things in the letter, but wants to point out another thing regarding lighting. BOMA works with a community group that is concerned about the migratory patterns of birds at certain times of the year, and BOMA sponsors and endorses a program where they encourage downtown building owners to dim or extinguish their lights between midnight and dawn between March 15 to May 31 and August 15 to October 31 to help the birds find there way without being distracted by the signs.
- 10. Mr. Michael Belaen, representing Minnesota Chamber of Commerce. They are concerned that significant reduction in permitted illumination of exterior signs from 3 foot candles to 0.3 foot candles may result in signs that are virtually dark. They also believe this may have the affect of preventing businesses in Saint Paul from considering using signs to showcase their businesses and it may create a public safety issue, as the illuminated signs have the effect of providing necessary light on dark streets. Another concern is that if this standard applies to all existing signs in Saint Paul it will place unnecessary cost on

businesses during this difficult economic time. The businesses will be faced with a choice of rebuilding the sign or removing it. And for these reasons the Minnesota Chamber does support and encourages retaining the current restriction of 3 foot candles.

Commissioner Spaulding questioned if Mr. Belaen had a sense if there is support for a separate district for the downtown signage as opposed to the rest of the City, recognizing some uniqueness there.

Mr. Belaen said that at this time he does not have the information to answer that question, however from the members that he has talked to regarding this proposal, they were concerned with what this would do going forward. But he would be happy to entertain some of those discussions.

<u>MOTION</u>: Commissioner Wencl moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, April 26, 2010, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

V. Zoning Committee

SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

One item to come before the Site Plan Review Committee on April 27, 2010 - Como Park Senior High School Parking Lot at 740 Rose Avenue West. A lot, loading dock, service drive replacement, stormwater collection, landscaping and new sidewalks are planned.

OLD BUSINESS

#10-121-250 Shamrock's – Variances for new parking lot: 1) 300 feet maximum from building served permitted, 450 feet proposed; and 2) setback from Osceola right-of-way (7ft. required, 4 ft. proposed). 670 Juno Avenue, SE corner at Juno and Osceola. (*Luis Pereira*, 651/266-6591)

<u>MOTION</u>: Commissioner Kramer moved the Zoning Committee's recommendation to approve the variances subject to additional conditions. The motion carried unanimously on a voice vote.

#10-116-425 Clear Wireless LLC (Eastview Playground) – Conditional Use Permit for a wireless communications antenna on a 100 ft monopole. 1675 5th Street East, area bounded by Kennard, 5th, Flaundrau, Margaret Street alley. (*Sarah Zorn*, 651/266-6570)

This case has been laid over indefinitely.

#10-123-489 University of St. Thomas – Modification of conditional use permit requirement that off-street parking spaces for college athletic facilities be within 600 feet of the building to be served. 2115 Summit Avenue, area bounded by Selby, Cleveland, Grand, Cretin, Mississippi River Blvd., Goodrich, and Summit. (*Josh Williams*, 651/266-6659)

Commissioner Kramer announced that at their places is a resolution which is not the one that was enclosed in their packets. This resolution is not really different from what the Zoning Committee

recommended it is just a further elaboration on the reasons for the decision that staff and the city attorney added after the packet was mailed out. And this is the resolution that the Zoning Committee is presenting for consideration today and he is moving that.

Commissioner Merrigan asked if the Conditional Use Permit (CUP) is modified through the entire campus. Would this modification apply to any future buildings on this campus?

Commissioner Kramer said that the resolution applies to the requirement for off-street parking for college athletic facilities within 600 feet, so that would be the limits of the modification.

Josh Williams, PED staff, added that the existing CUP remains in effect. This application is to modify that one specific condition so anything beyond what is allowed in the CUP in the future would be subject to another hearing process.

Commissioner Ward asked if the Historic Preservation conditions refer to lighting or exterior structures to be erected.

Mr. Williams said the (HPC) Historic Preservation Commission's approval is for the building design as well as for the intersection of Cretin and Summit which is within the West Summit Historic District. Regarding the building, they still need to give final approval of materials. The HPC needs to see a mock-up of the proposed materials before final permission is granted.

Commissioner Spaulding asked about the West Summit Neighborhood Advisory Council. What were the general concerns and support from that group?

Mr. Williams said that he has not involved in past issues with St. Thomas, but he feels the West Summit Neighborhood Advisory Council (WSNAC) has really helped with neighborhood discussion on these issues. It provides a forum for concerns to get out a lot sooner and there is a way to discuss those. WSNAC was involved in the environmental review process for the student center and related athletic facility. Their primary concerns had to do with traffic, pedestrian movement across the intersection, and parking. Regarding WSNAC, he cannot speak for them, but he can say that they did not take a formal position on the application. They did not oppose it nor did they endorse it.

<u>MOTION</u>: Commissioner Kramer moved the Zoning Committee's recommendation to approve the modification of conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.

#10-122-449 St. Thomas Student Center – Site plan review for new student center. 2115 Summit Avenue. (*Tom Beach*, 651/266-9086)

Commissioner Nelson said that there is an in & out in the southern driveway and both are out movements from the northern driveway. He was curious about the concept of having the southern driveway just be access in and the northern driveway be access out. Currently there is only one access to Cretin and it is quite congested. Commissioner Nelson counted nine conflicts from those two driveways intersecting traffic on Cretin. Eliminating that out movement would eliminate three of those potential conflicts with traffic on Cretin.

Tom Beach, DSI staff, said that one reason staff from DSI and Public Works decided to leave the

south driveway a two way and not an in only, because people using the drop off and coming south would then have to drive through the north part of the site to get out and there would be more people driving through there. It was thought better to keep potential truck traffic to the north and give people more options to get out of the lot.

Commissioner Nelson questioned the pedestrian crossing at Summit Avenue, the plan that has been devised has pavement up to the curb line on Cretin on both sides and it looks like a 100 foot wide crosswalk right down the middle of Summit Avenue. It seems like a crosswalk to go from the East to the West or West to East is the whole width of the median on Summit Avenue, rather then trying to get pedestrians to cross at the corners.

Mr. Beach recalled asking that same question during the course of the review and he believes the answer was that they wanted to have more paved area there. Between classes there are a lot of students waiting on the median for the traffic signal to change, and this would provide more room for people to wait.

Josh Williams added that there is concern about making sure that the crosswalks and the ramps line up correctly. There was some concern as well from HPC staff about the look and a consideration of adding some vegetation, but then staff decided against it. The feeling was it would end up getting trampled on and not really serve its purpose.

Commissioner Kramer asked if the site plan approval gives enough leeway to add green space or are we locked in?

Mr. Beach said that we might want to add another condition something like: Staff will continue to look into the configuration of the Summit Avenue median in conjunction with HPC and Parks to arrive at a solution that accommodates green space and pedestrian safety. Mr. Beach can not approve it without the HPC and Parks on board.

Commissioner Merrigan made the comment that Summit Avenue is one of the biggest bicycle corridors in Saint Paul and there has been absolutely no accommodation made in this traffic plan on how bicycles will be impacted by any of this.

Mr. Williams said that the diagram shown does not reflect the bicycle lanes that go on Summit, north, south, east or west. Some of the other concepts for this intersection involved bump outs at the corners to reduce the amount of time pedestrians would spend crossing. However those were taken out in order to preserve the bike lanes. The proposed design should not theoretically impede bicycle movement any more then the current arrangement, if people are traveling in the bicycle lanes.

MOTION TO AMEND: Commissioner Kramer moved to amend the resolution to include an additional condition that staff will continue to look into the configuration of the Summit Avenue median in conjunction with HPC and Parks to arrive at a solution that accommodates green space and pedestrian safety. Commissioner Nelson seconded the motion. The motion carried unanimously on a voice vote

<u>MOTION</u>: Commissioner Kramer moved the Zoning Committee's recommendation to approve the site plan subject to additional conditions. The motion carried unanimously on a voice vote.

NEW BUSINESS

#10-127-535 T-Mobile (Edgecumbe Rec) – Conditional Use Permit for a wireless communications antenna on a 75 ft monopole. 320 Griggs Street South, NE corner at Jefferson. (Sarah Zorn. 651/266-6570)

Commissioner Commers asked if the City is aware of what poles are currently in place, either in this area or citywide, both those in residential districts that are less then 60 feet and those that are over 60 feet and have existing conditional use permits.

Sarah Zorn, PED staff, is currently pulling this information from the permit system, so as of yet she does not have this information.

Commissioner Commers questioned if this case was approved would this be a new precedent or have there been conditional uses approved for monopoles over 60 feet in a residential district.

Ms. Zorn said this would not be a precedent; there are two others that were done a couple of years ago in residential districts.

Commissioner Commers asked from how large of an area is a pole like this visible.

Ms. Zorn said it is going to be based on topography, surrounding uses, and types of buildings. She has no concept of how far away you would be able to see it at this time. Commissioner Kramer added that the Parkland diversion process that takes place will also entail at least one and perhaps two additional public hearings for the approval to be finalized, and not just at the Planning Commission but at the Parks and Recreation Commission and City Council. The Planning Commission's approval is conditional on that process preceding.

<u>MOTION</u>: Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried 10-1 (Commers) on a voice vote.

#10-127-224 Kuwaki Wang – Re-establishment of nonconforming use as a 4-unit residential building. 935 Beech Street, NW corner at Forest. *Luis Pereira*, 651/266-6591)

<u>MOTION</u>: Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.

#10-125-508 Enterprise – Conditional Use Permit for outdoor auto rental. 597 – 605 Como Avenue, SE corner at Front Street. (*Emily Goodman*, 651/266-6551)

This case has been laid over to the May 13, 2010 Zoning Committee meeting.

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, April 29, 2010.

VI. Comprehensive Planning Committee

Zoning Code Map Format Amendment – Approve a resolution initiating a zoning study to prepare an update to the official map of the Zoning Code from a paper to a Geographic Information Systems (GIS) format. (*Anton Jerve*, 651/266-6567 and Patricia James, 651/266-6639)

Commissioner Commers said at the last two committee meetings they have been working through the transition from a paper format zoning map of record to a GIS format and this is something staff's been working on for several years. Here today is a draft resolution to approve the initiation of a zoning study to complete the process.

<u>MOTION</u>: Commissioner Wencl moved the Comprehensive Planning Committee's recommendation to approve the resolution. Commissioner Merrigan seconded the motion. The motion carried unanimously on a voice vote.

Commissioner Commers announced the items on the agenda for the next Comprehensive Planning Committee meeting on Tuesday, May 4, 2010.

VII. Neighborhood and Current Planning Committee

<u>Non-Conforming Use Zoning Amendments</u> – Approve resolution initiating a zoning study to update requirements with state statutes. (*Anton Jerve*, 651/266-6567 and Patricia James, 651/266-6639)

Commissioner Wencl said that the Neighborhood Planning Committee is asking today to initiate a zoning study to update the requirements with the state statute requirements.

<u>MOTION</u>: Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the resolution. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

Commissioner Wencl announced the items on the agenda for the next Neighborhood Planning Committee meeting on Wednesday, April 28, 2010.

VIII. Steering Committee

Planning Commission By-Laws - Revisions needed for new Transportation Committee.

Donna Drummond, Planning Director, said the Steering Committee is proposing some amendments to the Planning Commission by-laws. There are some minor changes proposed to clean up the by-laws to reflect current practices, as the by-laws were last amended in 2001. One major change is the change to Section 3 on Standing Committees that would allow the Planning Commission to have non Commission members as part of a standing committee. The City Council had directed the Planning Commission to establish a Transportation Committee as a standing committee of the commission and to include non commission members, so this by-law recognizes that and would make that change in the by-laws.

<u>MOTION</u>: Commissioner Wencl moved to approve the amendments to the Planning Commission By-Laws. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

IX.	Communications Committee	
	No report.	
Χ.	Task Force Reports	
	None.	
XI.	Old Business	
	None.	
XII.	New Business	
	None.	
XIII.	Adjournment	
	Meeting adjourned at 10:58 a.m.	
Sonja l Planni	led and prepared by Butler, Planning Commission Secretary ng and Economic Development Department, f Saint Paul	
Respectfully submitted,		Approved(Date)
		(Bute)
Donna Drummond Planning Director		Marilyn Porter Secretary of the Planning Commission

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